

DIVISION OF
ENFORCEMENT

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

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~~MEMO ENDORSED~~

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January 11, 2023

*OK***VIA ECF**

The Honorable Judge Colleen McMahon
United States District Court Southern District of New York
500 Pearl Street, Room 24A
New York, New York 10007

Re: *SEC v. Airborne Wireless Network, et al.*, 21 Civ. 1772 (CM)

Dear Judge McMahon:

Pollenakel

1/12/2023

Pursuant to Section I.D of the Court's Individual Practices and Procedures ("IPPs"), Plaintiff Securities and Exchange Commission ("SEC") and Defendants Airborne Wireless Network ("Airborne"), Kalistratos Kabilafkas, Timoleon Kabilafkas, and Jack Edward Daniels ("Daniels"), and Relief Defendants Timoleon Kabilafkas, in his capacity as trustee of the Tim Kabilafkas Revocable Trust dated July 24, 2001 ("TKRT") and Magdaline Kabilafkas, in her capacity as trustee of the Magdaline Kabilafkas 1989 Trust dated May 27, 1989 ("MKRT") (collectively, the "Parties"), jointly request the Court extend by four (4) weeks the Parties' January 20, 2023 deadline to file the Joint Pretrial Order, as set forth in the Court's most recent scheduling order (ECF No. 179).

As the Court is aware, the Parties, on January 6, 2023, completed extensive briefing regarding the SEC's motion for summary judgment, and Defendants' cross-motion for summary judgment. *See* ECF Nos. 184-185, 188-191, 193-198, 201-209, 212, 214-218, and 223-226. The Parties respectfully submit that good cause exists to grant the Parties' request for an additional four (4) weeks, given the scope of the issues to be tried and the voluminous evidentiary record. The Parties' request would also provide necessary time for counsel to confer and agree on certain contents of the Joint Pretrial Order, including the written description of the nature of the case, stipulated facts, and the issues to be tried. *See* Annex A, Form of Pretrial Order, attached to the Court's IPPs, §§ I, III, and V. Lastly, notwithstanding that requests like the instant one are "disfavored" (Court's IPPs, § VII.B), the Parties respectfully submit that granting the requested extension would not unnecessarily delay this litigation, given the recent completion of

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summary judgment briefing and the fact that there are no additional pending deadlines in the case.

The Parties previously filed two letter motions requesting extensions with respect to the then-pending deadlines to file summary judgment briefing (and as a consequence the joint pre-trial order deadline, as well). ECF Nos. 170 and 178. The Court granted the requested extensions. ECF No. 171 and 179. As noted above, the requested extension would not affect any additional pending deadlines.

Accordingly, the Parties respectfully request that the Court grant the requested four-week extension and reset the deadline for the Parties to file the Joint Pretrial Order for February 17, 2023.

Respectfully submitted,

/s/ Mark E. Bini

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/s/ Jonathan Bach

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*Counsel for Magdaline Kabilafkas, as
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Cc: All counsel of record (via ECF)